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# MEMO ENDORSED

August 18, 2022

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## By Electronic Filing

Honorable Judge Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2105  
New York, NY 10007

Re: *Molecular Dynamics Ltd. v. Spectrum Dynamics Medical Limited, et al.*,  
Case No. 1:22-cv-5167-KPF

Dear Judge Failla:

This firm represents Respondent Biosensors International Group Ltd. ("Biosensors") in the above-captioned action. We write pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and Your Honor's Individual Practice No. 9, to respectfully request permission to file under seal Respondents' Spectrum Dynamics Medical Limited's and Biosensors' Memorandum of Law in Opposition of Petitioners' Motion to Vacate Arbitration Award, the declaration of Frederick L. Whitmer ("Whitmer Declaration"), dated August 18, 2022, and the Exhibits attached thereto (collectively, the "Sealed Documents"). Please accept this letter motion with respect to this application. The Sealed Documents are part of the Geneva Arbitration captioned *Spectrum Dynamics Medical Limited v. Molecular Dynamics et al.*, Swiss Arbitration Centre No. 300438-2018.

On August 17, 2022, counsel for Respondent Biosensors notified counsel for Petitioners of Respondents' intent to seek the sealing of Exhibits 3 and 8 attached to the Whitmer Declaration and the public filing of the remaining Exhibits 1, 2, 4-7, and 9-23. Counsel for Respondent Biosensors followed up on August 18. In response, counsel for Petitioners responded "Petitioners require additional time to review and for the parties to confer on sealing. We therefore request that respondents file all exhibits temporarily under seal while the parties confer."

Pursuant to Petitioners' request, Petitioners and Respondents agree to the temporary sealing of the Sealed Documents until the parties can confer on whether they should remain sealed. The parties will meet and confer on appropriate redactions, if any, to be applied to the Sealed Documents and will file redactions on the public docket.

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Thus, to protect any confidential and sensitive business information of the Petitioners and Respondents, Biosensors respectfully requests permission from this Court to file the Confidential Documents under seal.

We thank the Court for its consideration.

Respectfully,



FREDERICK L. WHITMER

cc: All Counsel of Record (via ECF)

Application GRANTED. The Clerk of Court is directed to file the documents at docket numbers 32 and 33 under seal, visible to the Court and parties only. The Clerk of Court is further directed to terminate the pending motion at docket number 31.

Dated: August 19, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE